

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0250

ORIGINAL

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KENNETH I. INGRAHAM,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

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FILED

AUG 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

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Joslyn Hunt, Chief Appellate Defender and counsel of record for Defendant and Appellant, respectfully requests an extension of time until, September 10, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 10th day of August, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
301 South Park, Room 568  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Joslyn Hunt*

JOSLYN HUNT

Chief Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1.     I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2.     In my capacity as Chief Appellate Defender, I have assigned myself to handle the above-entitled matter.

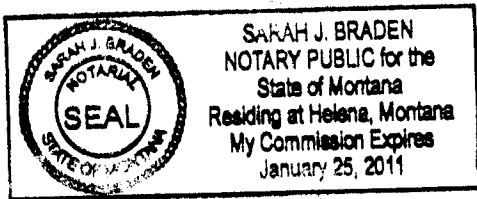
3.     The Appellant's opening is presently due on August 11, 2010. This is Appellant's second request for an extension.

4.     The research in this case has been completed, and a draft of the brief has been sent to Ingraham. However, an additional 30 days is necessary in order to clear up a transcript issue that was discovered when finalizing the brief. In particular, a trial transcript from Ingraham's previous appeal that will be necessary for this Court's review of his current appeal must be located. Locating this trial transcript has required contact with several individuals and has taken--and will continue to take--time. Once located, I will file a motion to transfer the trial transcript into Ingraham's current appeal case, after which his opening brief on appeal will be filed.

5. The procedural posture of this case is complicated which is a large factor into the confusion regarding the transcripts.
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.

Joslyn Hunt  
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of  
August, 2010.



Sarah J. Braden

Sarah J. Braden  
Notary Public for the State of Montana  
Residing at Helena  
My commission expires 1/25/2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

MARY ANN RIES  
Pondera County Attorney  
20 Fourth Avenue SW  
Conrad, MT 59425

KENNETH INGRAHAM 31702  
Great Falls Regional Prison  
3800 Ulm North Frontage Road  
Great Falls, MT 59404

DATED: \_\_\_\_\_

8-10-10

A handwritten signature in black ink, appearing to read "Angela Ruth", is written over a horizontal line. The signature is stylized with a large initial 'A' and a long, sweeping underline.